CIVIL WRIT JRISDICTION CASE No.5418 of 1989

In the matter of an application under Articles 226 & 227 of the Constitution of India.

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1. MOST. DILBASI KUNWAR W/O RAJ KESHWAR SINGH
2. URMILA DEVI D/O RAJ KESHWAR SINGH
3. ARUN KUMAR SINGH S/O LATE RAJKESHWAR SINGH
4. SHAILENDRA KUMAR SINGH (MINOR) S/O ARUN KUMAR SINGH THROUGH ARUN KUMAR SINGH, FATHER & NATURAL GUARDIN AND NEXT FRIEND
5. GRIJESH KUMAR SINGH
6. ANIL KUMAR SINGH
7. SASHI KUMAR SINGH ALL R/O VILLAGE PIPRA, PS.-KUDRA DISTRICT ROHTAS

Versus

1. THE STATE OF BIHAR
2. MEMBER, BOARD OF REVENUE,BIHAR, PATNA
3. ADDL. COLLECTOR, ROHTAS
4. DY. COLLECTOR LAND REFORMS ROHTAS—RESOT- IST PARTIES
5. BIBI JAHAN ARA W/O LATE M.S. AWADIN
6. MR. SHAMIM AWADHI
7. WAZIM AWADIN BOTH SONS OF LATE M.S. AWADHI, R/O REJENDRANAGAR, PATNA, DISTT- PATNA (VENDORS) RESPONDENTS 2ND PARTIES
8. (I) FULMATI KUNWAR W/O RAM KAILASH SINGH
8.(II) PRADUM SINGH S/O OF RAM KAILASH SINGH
8. (III) SHEO NARAIN SINGH S/O RAM KAILASH SINGH
8.(IV) ASHARAFI DEVI D/O RAM KAILASH SINGH
8. (V) HIRA KALI DEVI D/O RAM KAILASH SINGH
8. (VI) ANAR KALI DEVI @ DUKHAN DEVI
8. (VII) MEENA DEVI
8. (VIII) FULA DEVI ALL D/O OF RAM KAILASH SINGH, W/O, SONS AND DAUGHTERS ARE RESIDENT OF VILLAGE FULLI PS. KUDRA, DISTT- ROHTAS AT PRESENT KAIMUR----- RESPONDENTS 3RD PARTY

For the petitioners: Mr. Shashi Shekhar Dvivedi Sr. Advocate
M/s Ravi shanker Dvivedi, R.K.Dubey & K.D. Pratap, Advocates
For the State: Mr. Dhananjay kumar, JC to GP-12.

P R E S E N T
HON'BLE MR. JUSTICE AJAY KUMAR TRIPATHI

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A.K.Tripathi,J The impugned order passed in Revision Case No. 67 of 1987 is dated 27.12.1988. The Additional Member Board of Revenue has passed an identical order with regard to the right and claim of the petitioners to claim pre-emption for sale-deed of 1. 87 ½ acres executed in favour of one Ram kailash Singh. In this

particular case there was only one sale- deed executed and an application against the same was filed by the petitioners asserting their right. But its seems that merely because the parties were the same and similar the Additional Member Board of Revenue mechanically recorded the order passed in case no. 68 of 1987 in the present case as well.

The Court has verified the records of both the cases and the impugned orders in question. There is apparent error in this regard, if not a serious omission on behalf the Additional Member Board of Revenue

This writ application is allowed. The impugned order contained in annexure-3 dated 27.12.1988 is quashed and the matter is remanded back to the Additional Member Board of Review for a fresh adjudication.

Since it is a very old matter, therefore on due assistance from the parties it is hoped and expected that the Additional Member, Board of Revenue will decide the matter at the earliest.

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Patna High Court, **(Ajay Kumar Tripathi,J.)**
Dated the 24th Nov. 2008
NAFR (RPS)